

Office Action Summary

Application No. 09/350,952	Applicant(s) Brothers
Examiner Cuong H. Nguyen	Art Unit 2165



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Dec 13, 1999

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-44 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-44 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) Notice of References Cited (PTO-892)

16) Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2

18) Interview Summary (PTO-413) Paper No(s). _____

19) Notice of Informal Patent Application (PTO-152)

20) Other:

DETAILED ACTION

1. This Office Action is the answer to the application received on 12/13/1999, which paper has been placed of record.
2. Claims **1-44** are pending in this application.

Drawings

3. The drawings in this application are objected to by the Draftsperson as informal. Any drawing corrections requested, but not made in the prior application should be repeated in this application if such changes are still desired. If the drawings were changed and approved during the prosecution of the prior application, a petition may be filed under 37 CFR 1.182 requesting the transfer of such drawings, provided the parent application has been abandoned. However, a copy of the drawings as originally filed must be included in the 37 CFR 1.60 application papers to indicate the original content.

Claim Rejections - 35 USC § 101

4. Claim **1, 9, 10, 14, and 16, 20** are rejected under 35 U.S.C. **§101** because they are directed to a non-statutory subject matter (i.e., a data structure *per se* or a computer program *per se*).

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5. Re. To claim 1: This claim is essentially directed to a functional descriptive material (i.e. an electronic document with a first portion, a second portion, and a third portion) for "a protocol" (the use "protocol" is abstractive). See Examination Guidelines for Computer-Related Inventions at USPTO, Section IV.B.2. (Box 6 (pp.7-10) to Box 7). This descriptive material is not functionally related to the substrate. Rather it is just "a document.

6. Re. To claims 9, 10, 14, 16: These claims are essentially directed to functional descriptive materials "by something else (not claimed)" (i.e. a document with a header, a footer, and a body; that document also has a signature verification software, or a parser, and an update software; or a compound document, or a tag) . See Examination Guidelines for Computer-Related Inventions at USPTO, Section IV.B.2. (Box 6 (pp.7-10) to Box 7). This descriptive material is not functionally related to the substrate. Rather they are just computer programs per se.

7. Re. To claims 20, 34, 35, 41: These claims are essentially directed to a series of steps to be performed on a computer when evaluating the claimed steps, there is no pre-computer step, or no post-computer step involved (they are required in computer-related inventions); these claims merely manipulate abstract

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ideas without any specific limitation to a practical application (providing/distributing/verifying/updating/annotating sections of an electronic catalog are not considered as specific limitations if considering "the claim as a whole"; these portions should be the preambles of these claims, not their limitations). See Examination Guidelines for Computer-Related Inventions at USPTO, Section IV.B.2. boxes 12 pp.14-17, box 13 pp.17-21, and box 15.

8. The remaining claims (2-8, 11-13, 15, 17-18, 21-33, 36-38 and 40, 42-43), not specifically mentioned, are rejected by dependencies.

Claim Rejections - 35 USC 112

The following is a quotation of the first paragraph of 35 U.S.C. 112: The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such **full, clear, concise, and exact terms** as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Re. To claim 19: This claim is essentially directed to a "repository" (MS Press Computer Dictionary defines "repository": a collection of computer information about a computing system; functional descriptive material (i.e. an electronic document with a first portion, a second portion, and a third portion) for "a protocol" (the use "protocol" is abstractive). There is no **full**,

clear, concise, and exact term to make and use that "repository". In another word, the subject matter is very abstractive if no more elaboration.

10. Re. To claim 44: This claim is essentially directed to a method for storing documents, comprising all limitations as claim 19, although a "system" was claimed instead of a "method"; therefore, rationales for rejection of this claim is similar as claim 19.

Besides, the claimed differences compared to cited prior art are only found in the non-functional data stored on the article of manufacture. Data identifying a repository is not functionally related to the substrate of the article of manufacture. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gullack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404, (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

To be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure (i.e., inventing "an electronic document", "a computer program", "providing update

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software", using "a database software"), ex parte Pfeiffer,
1962 C.D. 408 (1961) (referring to claims 1, 9-10, 14, 19, 35,
44).

11. The remaining claims (2-8, 11-13, 15, 17-18, 21-33, 36-40, 42-43), not specifically mentioned, are rejected for incorporating above defects from their respective parent claims by dependencies.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Re. claims 1-44: These claims are rejected under 35 U.S.C. § 103(a) as being unpatentable over **Schumacher et al.** (US Pat. 6,269,446), in view of **Mike Heck**, further in view of **Ginter et al.**, & **Dana Mackenzie**.

A. Re. claim 1: The examiner submits that **Schumacher et al.** obviously suggest about authenticity a catalog document; further to organize files on an Internet server for distribution **Mike Heck** suggests that a software name FileCenter 1.0 (a Web file

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cataloging application) was used to modify a header, a footer, and a body style of a page (this obviously includes identifying elements of a page, including a header, a footer, and a body); the examiner also submit that a dynamic Web page is created on-the-fly with some parts of the page - the header and the footer - may always be the same, but the main body of the page changes for each new query.

- locate a digital signature in the header/footer of a catalog (see **Schumacher** et al., the summary, and Fig.4);
- analyze said signature for authenticity (see **Schumacher** et al., the abstract).

It would be obvious to one with ordinary skill in the art for a combination of **Schumacher & Heck** 's references to perform authentication because above references are within a field of application of this pending invention for verifying a document's authenticity.

B. Re. claim 2: A document of claim 1, wherein said portions can be distributed to servers. The examiner further submits that this limitation is obvious to one of ordinary skill in the art because claimed portions of a document are merely data; these data could be distributing to servers (with a presumption that if they are used in a baseline structure such as Internet or online Web).

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C. Re. claim 3: A document of claim 1, wherein said 1st or 2nd or 3rd portion has address information, said address information are configured to permit access to said address. The examiner further submits that this claimed limitation is very obvious to one of ordinary skill in the art because claimed 1st or 2nd or 3rd portion has data, and those data could be address information; therefore, it already defines a location/address for accessing.

D. Re. claim 4: A document of claim 1, wherein the document permits the user to select between URL links and in-line data for presentation of multimedia content. The examiner further submits that this claimed limitation is very obvious to one of ordinary skill in the art because for an accessible document, a user could make a selection among given choices for displaying (e.g., WordPerfect allows users to high-light a paragraph, and select a specific font for displaying). The essential action in claim is "able to select", other supporting information in the phrase are obvious.

E. Re. claim 6: **Schumacher** et al. suggest a document of claim 5, wherein a digital signature comprises a private key that corresponds to a public key. The examiner further submits that this limitation is fundamental (already been defined in dictionaries) to one of ordinary skill in the art because digital

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signature would utilized both pair of keys: public & private key (e.g., see **Schumacher** et al., the abstract; also see **Ginter** et al., detailing description text (1376)).

F. Re. claim 7: A document of claim 1, wherein elements of documents of different sources can be integrated. The examiner submits that this limitation is obvious to one of ordinary skill in the art because elements of a document are merely aggregated data; these data can be "cut" and "paste" to make a modified document (e.g., using MS Words or WordPerfect word processors, a user can integrate elements from different files). This claim is rejected on 35 USC 103(a).

G. Re. claim 8: A document of claim 7, wherein authenticity an element of a document is achievable by comparison. The examiner submits that this claimed limitation is very obvious to one of ordinary skill in the art for checking authenticity of an element (e.g., one can check a US \$20 bill by comparing a water-mark or a bill's serial number with a "good" bill).

H. Re. claim 9: **Schumacher** obviously suggest a computer program for:

- locate a digital signature in the footer of said catalog (see **Schumacher**, the summary, and Fig.4);
- analyze said signature for authentication (see **Schumacher**,

the abstract).

- **Mike Heck** further suggests to identify elements of an e-catalog, including a header, a footer, and a body.

The examiner submits that one with ordinary skill in the art would appreciate a combination of **Schumacher's** patent and **Heck's** ideas for verifying authentication because it has been a common practice of one with ordinary skill in the art to locate and analyze digital signature in a footer of a document for authentication.

I. Re. claim 5: This claim is also directed to a document as in claim 1, wherein a 3rd portion contains a digital signature. The examiner further submits that claim 9 has a similar claimed limitation; therefore, similar rationales and reference for 35 USC 103(a) rejection are applied.

J. Claim 10:

Mackenzie obviously suggest about updating a catalog, comprising:

- determine catalog's information is current; and
- update said catalog (see Dana **Mackenzie's article**).
- identify elements of a catalog, including a header, a footer, and a body (see **Mike Heck's article**);

The examiner submits that this claimed limitations are very

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obvious to one of ordinary skill in the art because for reviewing a catalog, (the "determine catalog's information is current" limitation is assumed coming out with a "TRUE" answer because next step "updating a catalog" must be performed) a user can identify visible portion of that catalog including a header, a footer, and a body (see **Mike Heck** 's article); a computer program could do that task automatically by using pointer/index to jump to each defined portion e.g., a footer, a body, or a header (for instant, an Office Action is created with identified portions: Serial Number of an application (a header), a body (detail actions), or a footer (page number)); this pending claim is rejected on 35 USC 103(a). Then merely determine whether document info. are current or not by just look at that document creation date, if not current, update with current info. This is routinely done by a computer user; therefore, there is nothing incredible about claimed limitations.

The examiner submits that one with ordinary skill in the art would appreciate a combination of **Mackenzie** and **Heck**'s ideas for verifying authentication because it has been a common practice of one with ordinary skill in the art to update a catalog with current information.

K. Re. claim 11: A computer program of claim 10, wherein a parser

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determines elements according to time-stamps, and wherein a software deletes out-of-date items. The examiner submits that computer programs are well-known for sorting elements by dates/time, and could be programmed to delete old items by comparing to a given date. This claim is obvious to computer programmers.

L. Re. claim 12: A computer program of claim 10, wherein a parser determines elements as modified or unmodified, and wherein modified items are identified. The examiner submits that computer programs are well-known to sort elements by modified/unmodified status. This claim is obvious to database programmers.

M. Re. claim 13: A computer program of claim 10, further comprising:

- signature software for signing an updated document.

The examiner submits that a signature software has been existed prior to this application's priority date. This claim is obvious to computer users for using digital signatures.

N. Claim 14 is rejected under 35 U.S.C. § 103 as being unpatentable over Dana **Mackenzie**, in view of **Mike Heck**.

Mackenzie obviously suggest a computer program for annotation of a catalog, comprising instructions for:

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- generate a source document from elements of a catalog (by putting elements together a programmer could easily create a document) (see **Mackenzie** 1:26-31);
- generate a compound document having elements similar to that of the catalog ("compound document" has been known prior to application's priority date, then the only thing to put together element to make that items) (see **Mackenzie** 1:26-28);
- enclose source document within said compound document (see **Mackenzie** 2:29-30); and
- provide an annotation section referring to entries in said source document (see **Mackenzie** 1:42-44).

Heck further suggests about identifying elements of a catalog, including a header, a footer, and a body (see **Mike Heck's** article).

The examiner submits that one with ordinary skill in the art would appreciate a combination of **Mackenzie** and **Heck's** ideas for providing annotations in a catalog because it has been a common practice of one with ordinary skill in the art to give explanation notes in a catalog for users.

O. **Claim 15:**

A program of claim 14, further causing a processor to:

- generate a digital signature for verification both the compound document and the authenticity of the source document.

The examiner submits that instructions to generate a digital signature for use in verification is well-known (e.g., see **Ginter** et al., **Schumaker** et al., or **Hoffberg** et al.)

P. Claim 16:

Mike **Heck** analogously suggest a program for assisting purchases and sales as claim 16, comprising:

- identify elements of a catalog, including a header, a footer, and a body (see Mike **Heck**'s article).

Mackenzie further suggests to generate a tag in a catalog (see **Mackenzie** page 1, para. 7-8, page 2, para.1-4) for specifying a transaction type.

The examiner submits that this claimed limitations are very obvious to one of ordinary skill in the art because for a catalog, a user could identify visible portion of that catalog including a header, a footer, and a body; (e.g., an Office Action at USPTO is also created with identified portions: Serial Number of an application (in a header), a body (in detail actions), or a footer (in page number portion)); therefore, this claim's limitation would be from an implementation of **Heck** by **Mackenzie**.

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A step of generating a tag in a portion of a catalog

(e.g., in a header) was suggested by **Mackenzie**.

Q. Re. claim 17: A program of claim 16, wherein a tag supports a one-to-one sales model.

The examiner submits that an intend of use such as a phrase "a tag support a one-to-one sales model" is obvious in a claimed "software program". Therefore, this claim's limitation is equivalent to claim 16's limitation.

R. Re. claim 18: A document of claim 1, wherein the document permits the user to select between URL links and in-line data for presentation of multimedia content. A similar reason for "intention of use" is applied for this limitation.

The examiner submits that this claimed limitation is very obvious to one of ordinary skill in the art because for an accessible document, a user could make a selection among given choices for displaying (e.g., WordPerfect allows users to highlight a paragraph, and select a specific font for displaying).

S. Re. claim 19: **Mackenzie** obviously suggests:

- means for identify elements of a catalog, including a header, a footer, and a body (see **Mackenzie** pg.1:26-28 & 42-44, pg.2: 1-2, 38-41);
- means for determining a location in a storage medium for

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storing each element of the catalog; and means for storing elements in their respective location; and means for retrieving those elements for distribution (see **Mackenzie** pg.1, and pg.2:1-2, 29-30).

The examiner submits that one with ordinary skill in the art would appreciate **Mackenzie's** ideas of identifying elements in a catalog because writing a computer program including above suggested ideas of **Mackenzie** would be done at the time of invention.

T. Re. claim 20: A method of providing an electronic catalog, comprising:

- providing a header section;
- providing a body section;
- providing a footer section for verification.
- formatting those sections.

Besides 35 USC 101 problem for this claim, the examiner submits that **Mackenzie** (pg.2: 3-7 and 18-20) obviously suggest above claimed ideas.

U. Re. claim 21: In addition to limitations of claim 20, **Mackenzie** further suggest about distributing elements of a document (see **Mackenzie** 2:27-30).

V. Re. claim 22: A method of claim 21, wherein the distribution

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of document is via URL links.

The examiner submits that **Mackenzie** suggests this claimed limitation.

X. Re. claim 23: A method of claim 20, wherein the document permits a user to select between URL links and in-line data for presentation of multimedia content.

The examiner submits that this claimed limitation is very obvious to one of ordinary skill in the art because for an accessible document, a user could make a selection among given choices for displaying (e.g., WordPerfect allows users to highlight a paragraph, and select a specific font (among many different fonts) for displaying) (see also **Brutzman**).

Y. Re. claim 24: A method of claim 20, further comprising:
Providing a digital signature in the footer of a catalog.

The examiner submits that the rationale for rejection of this limitation is similar to claim 9.

Z. Re. claims 26, 28, 30, 32: **Mackenzie** obviously suggests to integrating/assembling elements into a document (see **Mackenzie** pg.2, 29-30).

The examiner submits that dis-assembling (e.g, cutting a document into 2 parts and renaming them) step is obvious from **Mackenzie's** feature.

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W. Re. claims 27, 29, 31, 33: The examiner submits that the rationale for rejection of these claims' limitations are similar to claim 9 wherein verifying an authenticity of a catalog 's portion or catalog is claimed.

AA. Re. To claim 34: This claim is also directed to a method for verifying the authenticity of an electronic catalog by checking its digital signature.

The examiner submits that claim 34 contains similar required limitations as in claim 9; therefore, similar rationales and reference for 35 USC 103(a) rejection of claim 9 are applied.

AB. Re. To claim 35: This claim is also directed to a method for updating a document.

The examiner submits that claim 35 contains similar limitations as in claim 10; therefore, similar rationales and reference for 35 USC 103(a) rejection of claim 10 are applied.

AC. Re. To claim 36: This claim is also directed to a method for updating a document.

The examiner submits that claim 36 contains similar limitations as in claim 11; therefore, similar rationales and reference for 35 USC 103(a) rejection of claim 11 are applied.

AD. Re. To claim 37: This claim is also directed to a method for updating a document.

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The examiner submits that claim 37 contains similar limitations as in claim 12; therefore, similar rationales and reference for 35 USC 103(a) rejection of claim 12 are applied.

AE. Re. To claim 38: This claim is also directed to a method for updating a document.

The examiner submits that claim 38 contains similar limitations as in claim 13; therefore, similar rationales and reference for 35 USC 103(a) rejection of claim 13 are applied.

AF. Re. To claim 39: This claim is also directed to a method for annotation of a catalog.

The examiner submits that claim 39 contains similar limitations as in claim 14; therefore, similar rationales and reference for 35 USC 103(a) rejection of claim 14 are applied.

AG. Re. To claim 40: This claim is also directed to a method for annotation of a catalog.

The examiner submits that claim 40 contains similar limitations as in claim 15; therefore, similar rationales and reference for 35 USC 103(a) rejection of claim 15 are applied.

AH. Re. To claim 41: This claim is also directed to a method for assisting marketing transactions.

The examiner submits that claim 41 contains similar limitations as in claim 16; therefore, similar rationales and

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reference for 35 USC 103(a) rejection of claim 16 are applied.

AI. Re. To claim 42: This claim is also directed to a method for assisting marketing transactions.

The examiner submits that claim 42 contains similar limitations as in claim 17; therefore, similar rationales and reference for 35 USC 103(a) rejection of claim 17 are applied.

AJ. Re. To claim 43: This claim is also directed to a method for assisting marketing transactions.

The examiner submits that claim 43 contains similar limitations as in claim 18; therefore, similar rationales and reference for 35 USC 103(a) rejection of claim 18 are applied.

AK. Re. To claim 44: This claim is also directed to a method for storing documents.

The examiner submits that claim 44 contains similar limitations as in claim 19; therefore, similar rationales and reference for 35 USC 103(a) rejection of claim 19 are applied.

AL. Re. To claim 25: Claim 25 is rejected under 35 U.S.C. § 103 as being unpatentable because the examiner submits that the rationale for rejection of claim 25 's limitation is similar to claim 6.

Conclusion

13. All pending claims are not patentable.

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14. These references are considered pertinent to this application:

- Dana **Mackenzie**, New language could meld the Web into a seamless database, Science (from American Association for the Advancement of Science), 6/19/1998, vol.280, issue 5371.
- **Altheim** et al., Modularization of XHTML® - W3C Working Draft 06 April 1999, from W3C, 6 pages.
- **Altheim** et al., Chapter 7 for "Extending XHTML with Compound Documents", W3C Working Draft 06 April 1999, from W3C 11 pages.
- **Hoffberg** et al., (US Pat. 6,400,996 - 6/04/2000, filed on 2/01/1999) about adaptive pattern recognition based control system and method.
- **Ginter** et al., (US Pat. 6,389,402 - 5/14/2002, filed on 6/09/1999) about systems and methods for secure transaction management and electronic rights protection (similar as pending 's subject matter claim 1).
- **Schumacher** et al., (US Pat. 6,269,446 - 7/31/2001) about authenticating images from digital cameras.
- US Pat. 5,903,721 - 5/11/1999 by **Sixtus** about methods and system for secure online transaction processing.

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- US Pat. 5,740,425 - 4/14/1998 by **Povilus** about a data structure and a method for publishing electronic and printed product catalogs.
- McCormack, A Worldwide network of supplies, Health Data Management Journal, p.54-60, published on July 1999 (From DialogClassic Web™ file 13).
- Menduno, Point, click, PURCHASE, Hospitals & Health Networks, v 73, n 10, p 54, 56, 58, published on October 1999, (from DialogClassic Web™ file 13).
- Carol Sliwa, Web procurement pust, Computerworld, Framingham; 9/21/1998 (From ProQuest - 3 pages).
- Luis Oliveira et al., Electronic commerce, Inter. Financial Law Review, London 1/1999, (from Proquest, 6 pages).
- Brian Walsh, XML : Revenge of the nerds, Network Computing; Manhasset, 4/05/1999 (from Proquest, 3 pages).
- Stuart Mcclure, VirusNet packs key scanning tools, InforWorld, 12/21/1998 (from <http://www.findarticles.com>, 3 pages).

Conclusion

15. All pending claims are not patentable.
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Cuong H. Nguyen, whose telephone number is (703)305-4553. The

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examiner can normally be reached on Monday-Friday from 7:15 AM-3:15 PM.

Any response to this action should be mailed to:

Amendments

Commissioner of Patents and Trademarks

c/o Technology Center 2100

Washington, D.C. 20231

or faxed to: (703) 746-7238 (after Final)

(703) 746-7239 (Official)

Or: (703) 746-5572/746-7240 (for informal or draft

communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,

2121 Crystal Drive, Arlington, VA. 22202, 4th. Floor

(Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Cuong Nguyen

Feb. 12, 2002